

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 24-1431-GW-JPRx | Date | January 29, 2025 |
| Title | <i>Carlos Malacon v. Verizon Communications, Inc.</i> | | |

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

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| Javier Gonzalez | None Present | |
| Deputy Clerk | Court Reporter / Recorder | Tape No. |

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| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: |
| None Present | None Present |

PROCEEDINGS: IN CHAMBERS - COURT ORDER

In the operative First Amended Complaint, plaintiffs Carlos Malacon, Caleb Beuter, and Shawn Stroud brought this nationwide class action against defendant Verizon Communications, Inc. alleging a data breach as to approximately 63,000 of Defendant's employees. *See* Dkt. No. 13. On October 21, 2024, this Court granted Defendant's Fed. R. Civ. P. 12(b)(2) motion to dismiss plaintiffs Beutler and Stroud's claims for lack of personal jurisdiction. *See* Dkt. Nos. 33-34. On November 18, 2024, the Court granted Defendant's motion to dismiss the remaining Plaintiff's (*i.e.* Malacon's) claims under Fed. R. Civ. P. 12(b)(1) for lack of Article III standing, but with leave to file an amended complaint by December 18, 2024. *See* Dkt. Nos. 36-38. Plaintiff Malacon did not file an amended complaint by said date (*see* Dkt. No. 41) and on January 6, 2025, an order to show cause re lack of prosecution was issued with a hearing date of January 30, 2025.

On January 28, 2025, the parties filed a Joint Report wherein it is stated that: "Plaintiff does not intend to file a Second Amended Complaint. Accordingly, the Parties respectfully request that the Court enter judgment in this matter and vacate the January 30, 2025 OSC hearing." Based on that Report, the Court takes the January 30 hearing off-calendar and orders that the case be dismissed for the reasons previously set forth at Dkt. Nos. 33-34, 36-38. It is noted that the Court will not enter a judgment as requested by the parties because all of its prior rulings were as to procedural issues such as personal jurisdiction and standing, and not on the merits of any of Plaintiffs' claims.

Initials of Preparer JG